

- Page 5 -

express stipulation, a municipal corporation is not required to accept a dedication within any particular time...Moreover, the acceptance of a dedicated street may be either express or implied, for an implication of acceptance can arise either from the fact that repairs have been made or paid for by the municipal officials, or from a long use of the street by the public." Id at _____, 13 A.2d at 372

In Md. Telephone and Telegraph Co. v. Ruth, 106 Md. 644, 68 A. 358 (1907), the Court held that the utility company could not place its poles on a private alley to the rear of Ruth's premises, which alley was laid out for the benefit of Ruth's property and the other abutting property. The Court further held that Ruth had properly removed the pole after due notice to Md. Telephone and Telegraph Co. since it was a nuisance and interfered with Ruth's rights. The Court stated that the owner of the reversion in fee in the bed of the alley could not give anyone permission to enter on it in such a way as the utility had because he was not in possession nor entitled to possession and could grant to a licensee no other or greater right to enter than he had - which was none at the time. (There was a lease for 99 years, renewable forever, with the rent reserved by it redeemable at the pleasure of the lessee and there had been no default under the lease.)

In the instant case, Nicholas Hall did not merely lease the private or public alley and or street - he gave them to the use of the public forever and further guaranteed that neither he nor his heirs or assigns would ever claim them. Since the Plaintiffs herein are assignees of Nicholas Hall, they are estopped from claiming the streets and alleys by Mr. Hall's declaration and dedication.

(see discussion infra re. Teets case at 10)

III. Discussion

A comparison quickly shows that there are many major differences between the instant case and the case of State Roads Commission v. Teets,

_____ Md. _____, 123 A.2d 309 (1956), in which case the Court of Appeals